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**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

CHAPTER 299

HOUSE BILL 2239

AN ACT

AMENDING SECTION 11-483, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2005, CHAPTER 49, SECTION 1; REPEALING SECTION 11-483, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2005, CHAPTER 243, SECTION 1; AMENDING SECTION 11-484, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2005, CHAPTER 49, SECTION 2; REPEALING SECTION 11-484, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2005, CHAPTER 243, SECTION 2; AMENDING SECTION 15-2041, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2005, CHAPTER 272, SECTION 4 AND CHAPTER 293, SECTION 1; REPEALING SECTION 15-2041, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2005, CHAPTER 287, SECTION 3; AMENDING SECTION 28-1383, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2005, CHAPTER 307, SECTION 6; REPEALING SECTION 28-1383, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2005, CHAPTER 312, SECTION 4; AMENDING SECTION 28-3166, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2005, CHAPTER 137, SECTION 5; REPEALING SECTION 28-3166, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2005, CHAPTER 312, SECTION 11; AMENDING SECTION 33-1476.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2005, CHAPTER 326, SECTION 4; REPEALING SECTION 33-1476.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2005, CHAPTER 245, SECTION 4; AMENDING SECTION 33-1476.02, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2005, CHAPTER 326, SECTION 5; REPEALING SECTION 33-1476.02, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2005, CHAPTER 245, SECTION 5; AMENDING SECTION 41-723, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 210, SECTION 11; REPEALING SECTION 41-723, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2005, CHAPTER 331, SECTION 9; AMENDING SECTION 41-2123, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2005, CHAPTER 104, SECTION 2; REPEALING SECTION 41-2123, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2006, CHAPTER 98, SECTION 4; AMENDING SECTION 48-261, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2006, CHAPTER 2, SECTION 2; REPEALING SECTION 48-261, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2006, CHAPTER 44, SECTION 16; AMENDING SECTION 48-261, ARIZONA REVISED STATUTES, AS

AMENDED BY THIS ACT; REPEALING SECTION 48-261, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2006, CHAPTER 210, SECTION 1; REPEALING LAWS 2005, CHAPTER 314, SECTIONS 1 AND 4; RELATING TO MULTIPLE, DEFECTIVE AND CONFLICTING LEGISLATIVE DISPOSITIONS OF STATUTORY TEXT; PROVIDING FOR CONDITIONAL ENACTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Purpose

3 1. Section 11-483, Arizona Revised Statutes, was amended by Laws 2005,
4 chapter 49, section 1 and Laws 2005, chapter 243, section 1. These two
5 versions could not be blended because of the delayed effective date of the
6 chapter 243 version. In order to combine these two versions, this act amends
7 the Laws 2005, chapter 49 version of section 11-483, Arizona Revised
8 Statutes, to incorporate the amendments made by Laws 2005, chapter 243 and
9 the chapter 243 version is repealed.

10 2. Section 11-484, Arizona Revised Statutes, was amended by Laws 2005,
11 chapter 49, section 2 and Laws 2005, chapter 243, section 2. These two
12 versions could not be blended because of the delayed effective date of the
13 chapter 243 version. In order to combine these two versions, this act amends
14 the Laws 2005, chapter 49 version of section 11-484, Arizona Revised
15 Statutes, to incorporate the amendments made by Laws 2005, chapter 243 and
16 the chapter 243 version is repealed.

17 3. Section 15-2041, Arizona Revised Statutes, was amended by Laws
18 2005, chapter 272, section 4, Laws 2005, chapter 287, section 3 and Laws
19 2005, chapter 293, section 1. The chapter 287 version could not be blended
20 because of the delayed effective date. In order to combine these versions,
21 this act amends the Laws 2005 blended version of section 15-2041, Arizona
22 Revised Statutes, to incorporate the amendments made by Laws 2005, chapter
23 287 and the chapter 287 version is repealed.

24 4. Section 28-1383, Arizona Revised Statutes, was amended by Laws
25 2005, chapter 307, section 6 and Laws 2005, chapter 312, section 4. These
26 two versions could not be blended because of the delayed effective date of
27 the chapter 312 version. In order to combine these two versions, this act
28 amends the Laws 2005, chapter 307 version of section 28-1383, Arizona Revised
29 Statutes, to incorporate the amendments made by Laws 2005, chapter 312 and
30 the chapter 312 version is repealed.

31 5. Section 28-3166, Arizona Revised Statutes, was amended by Laws
32 2005, chapter 137, section 5 and Laws 2005, chapter 312, section 11. These
33 two versions could not be blended because of the delayed effective date of
34 the chapter 312 version. In order to combine these two versions, this act
35 amends the Laws 2005, chapter 137 version of section 28-3166, Arizona Revised
36 Statutes, to incorporate the amendments made by Laws 2005, chapter 312 and
37 the chapter 312 version is repealed.

38 6. Section 33-1476.01, Arizona Revised Statutes, was amended by Laws
39 2005, chapter 245, section 4 and Laws 2005, chapter 326, section 4. These
40 two versions could not be blended because of the delayed effective date of
41 the chapter 245 version. In order to combine these two versions, this act
42 amends the Laws 2005, chapter 326 version of section 33-1476.01, Arizona
43 Revised Statutes, to incorporate the amendments made by Laws 2005, chapter
44 245 and the chapter 245 version is repealed.

1 7. Section 33-1476.02, Arizona Revised Statutes, was amended by Laws
2 2005, chapter 245, section 5 and Laws 2005, chapter 326, section 5. These
3 two versions could not be blended because of the delayed effective date of
4 the chapter 245 version. In order to combine these two versions, this act
5 amends the Laws 2005, chapter 326 version of section 33-1476.02, Arizona
6 Revised Statutes, to incorporate the amendments made by Laws 2005, chapter
7 245 and the chapter 245 version is repealed.

8 8. Section 41-723, Arizona Revised Statutes, was amended by Laws 2005,
9 chapter 331, section 9. However, this version did not reflect the previous
10 valid version of the section. In order to comply with article IV, part 2,
11 section 14, Constitution of Arizona, this act amends section 41-723, Arizona
12 Revised Statutes, as amended by Laws 2002, chapter 210, section 11, to
13 incorporate the amendments made by Laws 2005, chapter 331 and the chapter 331
14 version is repealed.

15 9. Section 41-2123, Arizona Revised Statutes, was amended by Laws
16 2006, chapter 98, section 4 with a general effective date. However, the
17 version of this section that was amended by Laws 2006, chapter 98, section 4
18 is conditionally effective and the condition has not yet been met. In order
19 to correct a potentially defective enactment, this act amends the
20 conditionally effective version of section 41-2123, Arizona Revised Statutes,
21 with a conditional effective date to incorporate the amendments made by the
22 Laws 2006, chapter 98 version and the chapter 98 version is repealed.

23 10. Section 48-261, Arizona Revised Statutes, was amended by Laws
24 2006, chapter 2, section 2, Laws 2006, chapter 44, section 16 and Laws 2006,
25 chapter 210, section 1. The chapter 44 version cannot be blended because it
26 failed to amend the chapter 2 version, which was an emergency enactment, and
27 therefore did not comply with article IV, part 2, section 14, Constitution of
28 Arizona. The chapter 210 version cannot be blended because it failed to
29 amend the chapter 2 version and the chapter 44 version, which were emergency
30 enactments, and therefore did not comply with article IV, part 2, section 14,
31 Constitution of Arizona. To accomplish the intent of these enactments, this
32 act amends the Laws 2006, chapter 2 version of section 48-261, Arizona
33 Revised Statutes, to incorporate the amendments made by Laws 2006, chapter
34 44, repeals the chapter 44 version, amends the chapter 2 version of section
35 48-261, Arizona Revised Statutes, as amended by this act, to incorporate the
36 amendments made by Laws 2006, chapter 210 and repeals the chapter 210
37 version.

38 11. Laws 2005, chapter 314, section 1 and Laws 2005, chapter 330,
39 section 15 added identical language. Laws 2005, chapter 314, section 4
40 provides for the delayed repeal of Laws 2005, chapter 314, section 1. In
41 order to eliminate the double amendment activity, this act repeals Laws 2005,
42 chapter 314, sections 1 and 4.

1 Sec. 2. Section 11-483, Arizona Revised Statutes, as amended by Laws
2 2005, chapter 49, section 1, is amended to read:

3 11-483. Records maintained by county recorder; confidentiality;
4 definitions

5 A. Notwithstanding any other provision of this article, in ~~counties~~
6 ~~with a population of more than five hundred thousand persons~~ ANY COUNTY a
7 peace officer, justice, judge, commissioner, public defender, prosecutor,
8 victim of domestic violence or stalking or person who is protected under an
9 order of protection or injunction against harassment may request that the
10 general public be prohibited from accessing the unique identifier and the
11 recording date contained in indexes of recorded instruments maintained by the
12 county recorder and may request the recorder to prohibit access to that
13 person's residential address and telephone number contained in instruments or
14 writings recorded by the county recorder and made available on the internet.

15 B. A peace officer, justice, judge, commissioner, public defender,
16 prosecutor, victim of domestic violence or stalking or person who is
17 protected under an order of protection or injunction against harassment may
18 request this action by filing an affidavit that states all of the following
19 on an application form developed by the administrative office of the courts
20 in agreement with an association of counties, an organization of peace
21 officers and the motor vehicle division of the department of transportation:

22 1. The person's full legal name and residential address.

23 2. The full legal description and parcel number of the person's
24 property.

25 3. The position the person currently holds and a description of the
26 person's duties, except that a person who is a victim of domestic violence or
27 stalking shall instead state that the person is a victim of domestic violence
28 or stalking and shall attach documentation supporting the claim, including a
29 true and correct copy of any of the following:

30 (a) Findings from a court of competent jurisdiction.

31 (b) Police reports.

32 (c) Medical records.

33 (d) Child protective services records.

34 (e) Domestic violence shelter records.

35 (f) School records.

36 4. The reasons the person reasonably believes that the person's life
37 or safety or that of another person is in danger and that restricting access
38 pursuant to this section will serve to reduce the danger.

39 5. The document locator number and recording date of each instrument
40 for which the person requests access restriction pursuant to this section.

41 6. A copy of pages from each instrument that includes the document
42 locator number and the person's full legal name and residential address or
43 full legal name and telephone number.

44 C. If a peace officer, justice, judge, commissioner, public defender,
45 prosecutor, victim of domestic violence or stalking or person who is

1 protected under an order of protection or injunction against harassment is
2 also requesting pursuant to section 11-484 that the general public be
3 prohibited from accessing records maintained by the county assessor and
4 county treasurer, the peace officer, justice, judge, commissioner, public
5 defender, prosecutor, victim of domestic violence or stalking or person who
6 is protected under an order of protection or injunction against harassment
7 may combine the request pursuant to subsection B of this section with the
8 request pursuant to section 11-484 by filing one affidavit. The affidavit
9 and subsequent action by the appropriate authorities shall meet all of the
10 requirements of this section and section 11-484.

11 D. The affidavit shall be filed with the presiding judge of the
12 superior court in the county in which the affiant resides. To prevent a
13 multiplicity of filings, a peace officer, public defender or prosecutor shall
14 deliver the affidavit to the peace officer's commanding officer, or to the
15 head of the prosecuting or public defender agency, as applicable, or that
16 person's designee, who shall file the affidavits at one time. In the absence
17 of an affidavit that contains a request for immediate action and that is
18 supported by facts justifying an earlier presentation, the commanding
19 officer, or the head of the prosecuting or public defender agency, as
20 applicable, or that person's designee, shall not file affidavits more often
21 than quarterly.

22 E. On receipt of an affidavit or affidavits, the presiding judge of
23 the superior court shall file with the clerk of the superior court a petition
24 on behalf of all requesting affiants. Each affidavit presented shall be
25 attached to the petition. In the absence of an affidavit that contains a
26 request for immediate action and that is supported by facts justifying an
27 earlier consideration, the presiding judge may accumulate affidavits and file
28 a petition at the end of each quarter.

29 F. The presiding judge of the superior court shall review the petition
30 and each attached affidavit to determine whether the action requested by each
31 affiant should be granted. If the presiding judge of the superior court
32 concludes that the action requested by the affiant will reduce a danger to
33 the life or safety of the affiant or another person, the presiding judge of
34 the superior court shall order that the recorder prohibit access for five
35 years to the affiant's residential address and telephone number contained in
36 instruments or writings recorded by the county recorder and made available on
37 the internet. If the presiding judge of the superior court concludes that
38 the affiant or another person is in actual danger of physical harm from a
39 person or persons with whom the affiant has had official dealings and that
40 action pursuant to this section will reduce a danger to the life or safety of
41 the affiant or another person, the presiding judge of the superior court
42 shall order that the general public be prohibited for five years from
43 accessing the unique identifier and the recording date contained in indexes
44 of recorded instruments maintained by the county recorder and identified
45 pursuant to subsection B of this section.

1 G. On motion to the court, if the presiding judge of the superior
2 court concludes that an instrument or writing recorded by the county recorder
3 has been redacted or sealed in error, that the original affiant no longer
4 lives at the address listed in the original affidavit, that the cause for the
5 original affidavit no longer exists or that temporary access to the
6 instrument or writing is needed, the presiding judge may temporarily stay or
7 permanently vacate all or part of the court order prohibiting public access
8 to the recorded instrument or writing.

9 H. On entry of the court order, the clerk of the superior court shall
10 file the court order and a copy of the affidavit required by subsection B of
11 this section with the county recorder. No more than ten days after the date
12 on which the county recorder receives the court order, the county recorder
13 shall restrict access to the information as required by subsection F of this
14 section.

15 I. If the court denies an affiant's request pursuant to this section,
16 the affiant may request a court hearing. The hearing shall be conducted by
17 the court in the county where the petition was filed.

18 J. The recorder shall remove the restrictions on all records
19 restricted pursuant to this section by January 5 in the year after the court
20 order expires.

21 K. To include subsequent recordings in the court order, the peace
22 officer, justice, judge, commissioner, public defender, prosecutor, victim of
23 domestic violence or stalking or person who is protected under an order of
24 protection or injunction against harassment shall present to the county
25 recorder at the time of recordation a certified copy of the court order. The
26 recorder shall ensure that public access shall be restricted pursuant to
27 subsection A of this section.

28 L. This section shall not be interpreted to restrict access to public
29 records for the purposes of perfecting a lien pursuant to title 12, chapter
30 9, article 2.

31 M. This section does not prohibit access to the records of the county
32 recorder by parties to the instrument, a title insurer, a title insurance
33 agent or an escrow agent licensed by the department of insurance or the
34 department of banking.

35 N. For the purposes of this section:

36 1. "Commissioner" means a commissioner of the superior court.

37 2. "Indexes" means only those indexes that are maintained by and
38 located in the office of the county recorder, that are accessed
39 electronically and that contain information beginning from and after January
40 1, 1987.

41 3. "Judge" means a judge of the United States district court, the
42 United States court of appeals, the United States magistrate court, the
43 United States bankruptcy court, the Arizona court of appeals, the superior
44 court or a municipal court.

1 4. "Justice" means a justice of the United States or Arizona supreme
2 court or a justice of the peace.

3 5. "Peace officer" means any person vested by law, or formerly vested
4 by law, with a duty to maintain public order and make arrests.

5 6. "Prosecutor" means a county attorney, a municipal prosecutor, the
6 attorney general or a United States attorney and includes an assistant or
7 deputy United States attorney, county attorney, municipal prosecutor or
8 attorney general.

9 7. "Public defender" means a federal public defender, county public
10 defender, county legal defender or county contract indigent defense counsel
11 and includes an assistant or deputy federal public defender, county public
12 defender or county legal defender.

13 8. "Stalking" means the course of conduct prescribed in section
14 13-2923.

15 9. "Victim of domestic violence" means a person who is a victim of an
16 offense defined in section 13-3601.

17 Sec. 3. Repeal

18 Section 11-483, Arizona Revised Statutes, as amended by Laws 2005,
19 chapter 243, section 1, is repealed.

20 Sec. 4. Section 11-484, Arizona Revised Statutes, as amended by Laws
21 2005, chapter 49, section 2, is amended to read:

22 11-484. Records maintained by county assessor and county
23 treasurer; redaction; definitions

24 A. Notwithstanding any other provision of this article, in ~~counties~~
25 ~~with a population of more than five hundred thousand persons~~ ANY COUNTY a
26 peace officer, justice, judge, commissioner, public defender, prosecutor,
27 victim of domestic violence or stalking or person who is protected under an
28 order of protection or injunction against harassment may request that the
29 general public be prohibited from accessing that person's residential address
30 and telephone number that are contained in instruments, writings and
31 information maintained by the county assessor and the county treasurer.

32 B. A peace officer, justice, judge, commissioner, public defender,
33 prosecutor, victim of domestic violence or stalking or person who is
34 protected under an order of protection or injunction against harassment may
35 request this action by filing an affidavit that states all of the following
36 on an application form developed by the administrative office of the courts
37 in agreement with an association of counties, an organization of peace
38 officers and the motor vehicle division of the department of transportation:

39 1. The person's full legal name and residential address.

40 2. The full legal description and parcel number of the person's
41 property.

42 3. The position the person currently holds and a description of the
43 person's duties, except that a person who is a victim of domestic violence or
44 stalking shall state that the person is a victim of domestic violence or

1 stalking and shall attach documentation supporting the claim, including a
2 true and correct copy of any of the following:

- 3 (a) Findings from a court of competent jurisdiction.
- 4 (b) Police reports.
- 5 (c) Medical records.
- 6 (d) Child protective services records.
- 7 (e) Domestic violence shelter records.
- 8 (f) School records.

9 4. The reasons the person reasonably believes that the person's life
10 or safety or that of another person is in danger and that redacting the
11 residential address and telephone number will serve to reduce the danger.

12 C. If a peace officer, justice, judge, commissioner, public defender,
13 prosecutor, victim of domestic violence or stalking or person who is
14 protected under an order of protection or injunction against harassment is
15 also requesting pursuant to section 11-483 that the general public be
16 prohibited from accessing records maintained by the county recorder, the
17 peace officer, justice, judge, commissioner, public defender, prosecutor,
18 victim of domestic violence or stalking or person who is protected under an
19 order of protection or injunction against harassment may combine the request
20 pursuant to subsection B of this section with the request pursuant to section
21 11-483 by filing one affidavit. The affidavit and subsequent action by the
22 appropriate authorities shall meet all of the requirements of this section
23 and section 11-483.

24 D. The affidavit shall be filed with the presiding judge of the
25 superior court in the county in which the affiant resides. To prevent a
26 multiplicity of filings, a peace officer, public defender or prosecutor shall
27 deliver the affidavit to the peace officer's commanding officer, or to the
28 head of the prosecuting or public defender agency, as applicable, or that
29 person's designee, who shall file the affidavits at one time. In the absence
30 of an affidavit that contains a request for immediate action and that is
31 supported by facts justifying an earlier presentation, the commanding
32 officer, or the head of the prosecuting or public defender agency, as
33 applicable, or that person's designee, shall not file affidavits more often
34 than quarterly.

35 E. On receipt of an affidavit or affidavits, the presiding judge of
36 the superior court shall file with the clerk of the superior court a petition
37 on behalf of all requesting affiants. Each affidavit presented shall be
38 attached to the petition. In the absence of an affidavit that contains a
39 request for immediate action and that is supported by facts justifying an
40 earlier consideration, the presiding judge may accumulate affidavits and file
41 a petition at the end of each quarter.

42 F. The presiding judge of the superior court shall review the petition
43 and each attached affidavit to determine whether the action requested by each
44 affiant should be granted. If the presiding judge of the superior court
45 concludes that the action requested by the affiant will reduce a danger to

1 the life or safety of the affiant or another person, the presiding judge of
2 the superior court shall order the redaction of the affiant's residential
3 address and telephone number that are contained in instruments, writings and
4 information maintained by the county assessor and the county treasurer. The
5 redaction shall be in effect for five years.

6 G. On motion to the court, if the presiding judge of the superior
7 court concludes that an instrument or writing maintained by the county
8 assessor or the county treasurer has been redacted or sealed in error, that
9 the original affiant no longer lives at the address listed in the original
10 affidavit, that the cause for the original affidavit no longer exists or that
11 temporary access to the instrument or writing is needed, the presiding judge
12 may temporarily stay or permanently vacate all or part of the court order
13 prohibiting public access to the instrument or writing.

14 H. On entry of the court order, the clerk of the superior court shall
15 file the court order and a copy of the affidavit required by subsection B of
16 this section with the county assessor and the county treasurer. No more than
17 ten days after the date on which the county assessor and the county treasurer
18 receive the court order, the county assessor and the county treasurer shall
19 restrict access to the information as required by subsection F of this
20 section.

21 I. If the court denies an affiant's request pursuant to this section,
22 the affiant may request a court hearing. The hearing shall be conducted by
23 the court in the county where the petition was filed.

24 J. The county assessor and the county treasurer shall remove the
25 restrictions on all records that are redacted pursuant to this section by
26 January 5 in the year after the court order expires.

27 K. For the purposes of this section:

28 1. "Commissioner" means a commissioner of the superior court.

29 2. "Judge" means a judge of the United States district court, the
30 United States court of appeals, the United States magistrate court, the
31 United States bankruptcy court, the Arizona court of appeals, the superior
32 court or a municipal court.

33 3. "Justice" means a justice of the United States or Arizona supreme
34 court or a justice of the peace.

35 4. "Peace officer" means any person vested by law, or formerly vested
36 by law, with a duty to maintain public order and make arrests.

37 5. "Prosecutor" means a county attorney, a municipal prosecutor, the
38 attorney general or a United States attorney and includes an assistant or
39 deputy United States attorney, county attorney, municipal prosecutor or
40 attorney general.

41 6. "Public defender" means a federal public defender, county public
42 defender, county legal defender or county contract indigent defense counsel
43 and includes an assistant or deputy federal public defender, county public
44 defender or county legal defender.

1 7. "Stalking" means the course of conduct prescribed in section
2 13-2923.

3 8. "Victim of domestic violence" means a person who is a victim of an
4 offense defined in section 13-3601.

5 Sec. 5. Repeal

6 Section 11-484, Arizona Revised Statutes, as amended by Laws 2005,
7 chapter 243, section 2, is repealed.

8 Sec. 6. Section 15-2041, Arizona Revised Statutes, as amended by Laws
9 2005, chapter 272, section 4 and chapter 293, section 1, is amended to read:

10 15-2041. New school facilities fund; capital plan; report

11 A. A new school facilities fund is established consisting of monies
12 appropriated by the legislature and monies credited to the fund pursuant to
13 section 37-221 ~~or 42-5030.01~~. The school facilities board shall administer
14 the fund and distribute monies, as a continuing appropriation, to school
15 districts for the purpose of constructing new school facilities. On June 30
16 of each fiscal year, any unobligated contract monies in the new school
17 facilities fund shall be transferred to the capital reserve fund established
18 by section 15-2003.

19 B. The school facilities board shall prescribe a uniform format for
20 use by the school district governing board in developing and annually
21 updating a capital plan that consists of each of the following:

22 1. Enrollment projections for the next five years for elementary
23 schools and eight years for middle and high schools, including a description
24 of the methods used to make the projections.

25 2. A description of new schools or additions to existing schools
26 needed to meet the building adequacy standards prescribed in section 15-2011.
27 The description shall include:

28 (a) The grade levels and the total number of pupils that the school or
29 addition is intended to serve.

30 (b) The year in which it is necessary for the school or addition to
31 begin operations.

32 (c) A timeline that shows the planning and construction process for
33 the school or addition.

34 3. Long-term projections of the need for land for new schools.

35 4. Any other necessary information required by the school facilities
36 board to evaluate a school district's capital plan.

37 5. If a school district pays tuition for all or a portion of the
38 school district's high school pupils to another school district, the capital
39 plan shall indicate the number of pupils for which the district pays tuition
40 to another district. If a school district accepts pupils from another school
41 district pursuant to section 15-824, subsection A, the school district shall
42 indicate the projections for this population separately. This paragraph does
43 not apply to a small isolated school district as defined in section 15-901.

44 C. If the capital plan indicates a need for a new school or an
45 addition to an existing school within the next four years or a need for land

1 within the next ten years, the school district shall submit its plan to the
2 school facilities board by September 1 and shall request monies from the new
3 school facilities fund for the new construction or land. Monies provided for
4 land shall be in addition to any monies provided pursuant to subsection D of
5 this section.

6 D. The school facilities board shall distribute monies from the new
7 school facilities fund as follows:

8 1. The school facilities board shall review and evaluate the
9 enrollment projections and either approve the projections as submitted or
10 revise the projections. In determining new construction requirements, the
11 school facilities board shall determine the net new growth of pupils that
12 will require additional square footage that exceeds the building adequacy
13 standards prescribed in section 15-2011. If the projected growth and the
14 existing number of pupils exceeds three hundred fifty pupils who are served
15 in a school district other than the pupil's resident school district, the
16 school facilities board, the receiving school district and the resident
17 school district shall develop a capital facilities plan on how to best serve
18 those pupils. A small isolated school district as defined in section 15-901
19 is not required to develop a capital facilities plan pursuant to this
20 paragraph.

21 2. If the approved projections indicate that additional space will not
22 be needed within the next two years for elementary schools or three years for
23 middle or high schools in order to meet the building adequacy standards
24 prescribed in section 15-2011, the request shall be held for consideration by
25 the school facilities board for possible future funding and the school
26 district shall annually submit an updated plan until the additional space is
27 needed.

28 3. If the approved projections indicate that additional space will be
29 needed within the next two years for elementary schools or three years for
30 middle or high schools in order to meet the building adequacy standards
31 prescribed in section 15-2011, the school facilities board shall provide an
32 amount as follows:

33 (a) Determine the number of pupils requiring additional square footage
34 to meet building adequacy standards. This amount for elementary schools
35 shall not be less than the number of new pupils for whom space will be needed
36 in the next year and shall not exceed the number of new pupils for whom space
37 will be needed in the next five years. This amount for middle and high
38 schools shall not be less than the number of new pupils for whom space will
39 be needed in the next four years and shall not exceed the number of new
40 pupils for whom space will be needed in the next eight years.

41 (b) Multiply the number of pupils determined in subdivision (a) of
42 this paragraph by the square footage per pupil. The square footage per pupil
43 is ninety square feet per pupil for preschool children with disabilities,
44 kindergarten programs and grades one through six, one hundred square feet for
45 grades seven and eight, one hundred thirty-four square feet for a school

1 district that provides instruction in grades nine through twelve for fewer
2 than one thousand eight hundred pupils and one hundred twenty-five square
3 feet for a school district that provides instruction in grades nine through
4 twelve for at least one thousand eight hundred pupils. The total number of
5 pupils in grades nine through twelve in the district shall determine the
6 square footage factor to use for net new pupils. The school facilities board
7 may modify the square footage requirements prescribed in this subdivision for
8 particular schools based on any of the following factors:

9 (i) The number of pupils served or projected to be served by the
10 school district.

11 (ii) Geographic factors.

12 (iii) Grade configurations other than those prescribed in this
13 subdivision.

14 (iv) Compliance with minimum school facility adequacy requirements
15 established pursuant to section 15-2011.

16 (c) Multiply the product obtained in subdivision (b) of this paragraph
17 by the cost per square foot. The cost per square foot is ninety dollars for
18 preschool children with disabilities, kindergarten programs and grades one
19 through six, ninety-five dollars for grades seven and eight and one hundred
20 ten dollars for grades nine through twelve. The cost per square foot shall
21 be adjusted annually for construction market considerations based on an index
22 identified or developed by the joint legislative budget committee as
23 necessary but not less than once each year. The school facilities board
24 shall multiply the cost per square foot by 1.05 for any school district
25 located in a rural area. The school facilities board may modify the base
26 cost per square foot prescribed in this subdivision for particular schools
27 based on geographic conditions or site conditions. For the purposes of this
28 subdivision, "rural area" means an area outside a thirty-five mile radius of
29 a boundary of a municipality with a population of more than fifty thousand
30 persons.

31 (d) Once the school district governing board obtains approval from the
32 school facilities board for new facility construction funds, additional
33 portable or modular square footage created for the express purpose of
34 providing temporary space for pupils until the completion of the new facility
35 shall not be included by the school facilities board for the purpose of new
36 construction funding calculations. On completion of the new facility
37 construction project, if the portable or modular facilities continue in use,
38 the portable or modular facilities shall be included as prescribed by this
39 chapter, unless the school facilities board approves their continued use for
40 the purpose of providing temporary space for pupils until the completion of
41 the next new facility that has been approved for funding from the new school
42 facilities fund.

43 4. For projects approved after December 31, 2001, and notwithstanding
44 paragraph 3 of this subsection, a unified school district that does not have
45 a high school is not eligible to receive high school space as prescribed by

1 section 15-2011 and this section unless the unified district qualifies for
2 geographic factors prescribed by paragraph 3, subdivision (b), item (ii) of
3 this subsection.

4 E. Monies for architectural and engineering fees, project management
5 and preconstruction services shall be distributed on the completion of the
6 analysis by the school facilities board of the school district's request.
7 After receiving monies pursuant to this subsection, the school district shall
8 submit a design development plan for the school or addition to the school
9 facilities board before any monies for construction are distributed. If the
10 school district's request meets the building adequacy standards, the school
11 facilities board may review and comment on the district's plan with respect
12 to the efficiency and effectiveness of the plan in meeting state square
13 footage and facility standards before distributing the remainder of the
14 monies. If the school facilities board modifies the cost per square foot as
15 prescribed in subsection D, paragraph 3, subdivision (c), the school
16 facilities board may deduct the cost of project management services and
17 preconstruction services from the required cost per square foot. The school
18 facilities board may decline to fund the project if the square footage is no
19 longer required due to revised enrollment projections.

20 F. The school facilities board shall distribute the monies needed for
21 land for new schools so that land may be purchased at a price that is less
22 than or equal to fair market value and in advance of the construction of the
23 new school. If necessary, the school facilities board may distribute monies
24 for land to be leased for new schools if the duration of the lease exceeds
25 the life expectancy of the school facility by at least fifty per cent. The
26 proceeds derived through the sale of any land purchased or partially
27 purchased with monies provided by the school facilities board shall be
28 returned to the state fund from which it was appropriated and to any other
29 participating entity on a proportional basis. If a school district acquires
30 real property by donation at an appropriate school site approved by the
31 school facilities board, the school facilities board shall distribute an
32 amount equal to twenty per cent of the fair market value of the donated real
33 property that can be used for academic purposes. The school district shall
34 place the monies in the unrestricted capital outlay fund and increase the
35 unrestricted capital outlay limit by the amount of monies placed in the
36 fund. Monies distributed under this subsection shall be distributed from the
37 new school facilities fund. A school district shall not pay a consultant a
38 percentage of the value of any of the following:

39 1. Donations of real property, services or cash from any of the
40 following:

41 (a) Entities that have offered to provide construction services to the
42 school district.

43 (b) Entities that have been contracted to provide construction
44 services to the school district.

45 (c) Entities that build residential units in that school district.

1 (d) Entities that develop land for residential use in that school
2 district.

3 2. Monies received from the school facilities board on behalf of the
4 school district.

5 3. Monies paid by the school facilities board on behalf of the school
6 district.

7 G. In addition to distributions to school districts based on pupil
8 growth projections, a school district may submit an application to the school
9 facilities board for monies from the new school facilities fund if one or
10 more school buildings have outlived their useful life. If the school
11 facilities board determines that the school district needs to build a new
12 school building for these reasons, the school facilities board shall remove
13 the square footage computations that represent the building from the
14 computation of the school district's total square footage for purposes of
15 this section. If the square footage recomputation reflects that the school
16 district no longer meets building adequacy standards, the school district
17 qualifies for a distribution of monies from the new school construction
18 formula in an amount determined pursuant to subsection D of this
19 section. Buildings removed from a school district's total square footage
20 pursuant to this subsection shall not be included in the computation of
21 monies from the building renewal fund established by section 15-2031. The
22 school facilities board may modify the base cost per square foot prescribed
23 in this subsection under extraordinary circumstances for geographic factors
24 or site conditions.

25 H. School districts that receive monies from the new school facilities
26 fund shall establish a district new school facilities fund and shall use the
27 monies in the district new school facilities fund only for the purposes
28 prescribed in this section. By October 15 of each year, each school district
29 shall report to the school facilities board the projects funded at each
30 school in the previous fiscal year with monies from the district new school
31 facilities fund and shall provide an accounting of the monies remaining in
32 the new school facilities fund at the end of the previous fiscal year.

33 I. If a school district has surplus monies received from the new
34 school facilities fund, the school district may use the surplus monies only
35 for capital purposes for the project for up to one year after completion of
36 the project. If the school district possesses surplus monies from the new
37 school construction project that have not been expended within one year of
38 the completion of the project, the school district shall return the surplus
39 monies to the school facilities board for deposit in the new school
40 facilities fund.

41 J. The board's consideration of any application filed after July 1,
42 2001 or after December 31 of the year in which the property becomes territory
43 in the vicinity of a military airport or ancillary military facility as
44 defined in section 28-8461 for monies to fund the construction of new school
45 facilities proposed to be located in territory in the vicinity of a military

1 airport or ancillary military facility shall include, if after notice is
2 transmitted to the military airport pursuant to section 15-2002 and before
3 the public hearing the military airport provides comments and analysis
4 concerning compatibility of the proposed school facilities with the high
5 noise or accident potential generated by military airport or ancillary
6 military facility operations that may have an adverse effect on public health
7 and safety, consideration and analysis of the comments and analysis provided
8 by the military airport before making a final determination.

9 K. If a school district uses its own project manager for new school
10 construction, the members of the school district governing board and the
11 project manager shall sign an affidavit stating that the members and the
12 project manager understand and will follow the minimum adequacy requirements
13 prescribed in section 15-2011.

14 L. The school facilities board shall establish a separate account in
15 the new school facilities fund designated as the litigation account to pay
16 attorney fees, expert witness fees and other costs associated with litigation
17 in which the school facilities board pursues the recovery of damages for
18 deficiencies correction that resulted from alleged construction defects or
19 design defects that the school facilities board believes caused or
20 contributed to a failure of the school building to conform to the building
21 adequacy requirements prescribed in section 15-2011. Attorney fees paid
22 pursuant to this subsection shall not exceed the market rate for similar
23 types of litigation. Monies recovered as damages pursuant to this subsection
24 shall be used to offset debt service on the correction of existing
25 deficiencies as prescribed by section 15-2021. The joint committee on
26 capital review shall conduct an annual review of the litigation account,
27 including the costs associated with current and potential litigation.

28 M. Until the state board of education and the auditor general adopt
29 rules pursuant to section 15-213, subsection I, the school facilities board
30 may allow school districts to contract for construction services and
31 materials through the qualified select bidders list method of project
32 delivery for new school facilities pursuant to this section.

33 N. The school facilities board shall submit a report on project
34 management services and preconstruction services to the governor, the
35 president of the senate and the speaker of the house of representatives by
36 December 31 of each year. The report shall compare projects that use project
37 management and preconstruction services with those that do not. The report
38 shall address cost, schedule and other measurable components of a
39 construction project. School districts, construction manager at risk firms
40 and project management firms that participate in a school facilities board
41 funded project shall provide the information required by the school
42 facilities board in relation to this report.

43 Sec. 7. Repeal

44 Section 15-2041, Arizona Revised Statutes, as amended by Laws 2005,
45 chapter 287, section 3, is repealed.

1 Sec. 8. Section 28-1383, Arizona Revised Statutes, as amended by Laws
2 2005, chapter 307, section 6, is amended to read:

3 28-1383. Aggravated driving or actual physical control while
4 under the influence; violation; classification;
5 definition

6 A. A person is guilty of aggravated driving or actual physical control
7 while under the influence of intoxicating liquor or drugs if the person does
8 any of the following:

9 1. Commits a violation of section 28-1381, section 28-1382 or this
10 section while the person's driver license or privilege to drive is suspended,
11 canceled, revoked or refused or while a restriction is placed on the person's
12 driver license or privilege to drive as a result of violating section 28-1381
13 or 28-1382 or under section 28-1385.

14 2. Within a period of sixty months commits a third or subsequent
15 violation of section 28-1381, section 28-1382 or this section or is convicted
16 of a violation of section 28-1381, section 28-1382 or this section and has
17 previously been convicted of any combination of convictions of section
18 28-1381, section 28-1382 or this section or acts in another jurisdiction that
19 if committed in this state would be a violation of section 28-1381, section
20 28-1382 or this section.

21 3. While a person under fifteen years of age is in the vehicle,
22 commits a violation of either:

23 (a) Section 28-1381.

24 (b) Section 28-1382.

25 B. The dates of the commission of the offenses are the determining
26 factor in applying the sixty month provision provided in subsection A,
27 paragraph 2 of this section regardless of the sequence in which the offenses
28 were committed. For the purposes of this section, a third or subsequent
29 violation for which a conviction occurs does not include a conviction for an
30 offense arising out of the same series of acts.

31 C. The notice to a person of the suspension, cancellation, revocation
32 or refusal of a driver license or privilege to drive is effective as provided
33 in section 28-3318 or pursuant to the laws of the state issuing the license.

34 D. A person is not eligible for probation, pardon, commutation or
35 suspension of sentence or release on any other basis until the person has
36 served not less than four months in prison if the person is convicted under
37 either of the following:

38 1. Subsection A, paragraph 1 of this section.

39 2. Subsection A, paragraph 2 of this section and within a sixty month
40 period has been convicted of two prior violations of section 28-1381, section
41 28-1382 or this section, or any combination of those sections, or acts in
42 another jurisdiction that if committed in this state would be a violation of
43 section 28-1381, section 28-1382 or this section.

44 E. A person who is convicted under subsection A, paragraph 2 of this
45 section and who within a sixty month period has been convicted of three or

1 more prior violations of section 28-1381, section 28-1382 or this section, or
2 any combination of those sections, or acts in another jurisdiction that if
3 committed in this state would be a violation of section 28-1381, section
4 28-1382 or this section is not eligible for probation, pardon, commutation or
5 suspension of sentence or release on any other basis until the person has
6 served not less than eight months in prison.

7 ~~F. In addition to any other penalty provided by law, A person who is~~
8 ~~convicted under subsection A, paragraph 3, subdivision (a) of this section~~
9 ~~shall be sentenced to SERVE at least the minimum sentence TERM OF~~
10 ~~INCARCERATION required pursuant to section 28-1381. , except that if a person~~
11 ~~has been convicted of at least two prior violations of section 28-1381,~~
12 ~~section 28-1382 or this section, or any combination of those sections, or~~
13 ~~convicted of at least two prior acts in another jurisdiction that if~~
14 ~~committed in this state would be violations of section 28-1381, section~~
15 ~~28-1382 or this section, or any combination of those sections, within a sixty~~
16 ~~month period, the person shall be sentenced to serve at least the minimum~~
17 ~~sentence required pursuant to this section.~~

18 ~~G. In addition to any other penalty provided by law, A person who is~~
19 ~~convicted under subsection A, paragraph 3, subdivision (b) of this section~~
20 ~~shall be sentenced to SERVE at least the minimum sentence TERM OF~~
21 ~~INCARCERATION required pursuant to section 28-1382. , except that if a person~~
22 ~~has been convicted of at least two prior violations of section 28-1381,~~
23 ~~section 28-1382 or this section, or any combination of those sections, or~~
24 ~~convicted of at least two prior acts in another jurisdiction that if~~
25 ~~committed in this state would be a violation of section 28-1381, section~~
26 ~~28-1382 or this section, or any combination of those sections, within a sixty~~
27 ~~month period, the person shall be sentenced to serve at least the minimum~~
28 ~~sentence required pursuant to this section.~~

29 H. A person who is convicted of a violation of this section shall
30 attend and complete alcohol or other drug screening, education or treatment
31 from an approved facility. If the person fails to comply with this
32 subsection and is placed on probation, in addition to the provisions of
33 section 13-901 the court may order that the person be incarcerated as a term
34 of probation as follows:

35 1. For a person sentenced pursuant to subsection D of this section,
36 for an individual period of not more than four months and a total period of
37 not more than one year.

38 2. For a person sentenced pursuant to subsection E of this section,
39 for an individual period of not more than eight months and a total period of
40 not more than two years.

41 1. The time that a person spends in custody pursuant to subsection H
42 of this section shall not be counted towards the sentence imposed if the
43 person's probation is revoked and the person is sentenced to prison after
44 revocation of probation.

45 J. ON A CONVICTION FOR A VIOLATION OF THIS SECTION, the court:

1 1. Shall report the conviction to the department. On receipt of the
2 report, the department shall revoke the driving privilege of the person. The
3 department shall not issue the person a new driver license within three years
4 of the date of the conviction and, for a conviction of a violation of
5 subsection A, paragraph 1 or 2 or paragraph 3, subdivision (b) of this
6 section, shall require the person to equip any motor vehicle the person
7 operates with a certified ignition interlock device pursuant to section
8 28-3319. In addition, the court may order the person to equip any motor
9 vehicle the person operates with a certified ignition interlock device for
10 more than twelve months beginning on the date of reinstatement of the
11 person's driving privilege following a suspension or revocation or on the
12 date of the department's receipt of the report of conviction, whichever
13 occurs later. The person who operates a motor vehicle with a certified
14 ignition interlock device under this paragraph shall comply with article 5 of
15 this chapter.

16 2. In addition to any other penalty prescribed by law, shall order the
17 person to pay an additional assessment of two hundred fifty dollars. If the
18 conviction occurred in the superior court or a justice court, the court shall
19 transmit the monies received pursuant to this paragraph to the county
20 treasurer. If the conviction occurred in a municipal court, the court shall
21 transmit the monies received pursuant to this paragraph to the city
22 treasurer. The city or county treasurer shall transmit the monies received
23 to the state treasurer. The state treasurer shall deposit the monies
24 received in the driving under the influence abatement fund established by
25 section 28-1304. Any fine imposed for a violation of this section and any
26 assessments, restitution and incarceration costs shall be paid before the
27 assessment prescribed in this paragraph.

28 3. Shall order the person to pay a fine of not less than seven hundred
29 fifty dollars.

30 4. In addition to any other penalty prescribed by law, shall order the
31 person to pay an additional assessment of one thousand five hundred dollars
32 to be deposited by the state treasurer in the prison construction and
33 operations fund established by section 41-1651. This assessment is not
34 subject to any surcharge. If the conviction occurred in the superior court
35 or a justice court, the court shall transmit the assessed monies to the
36 county treasurer. If the conviction occurred in a municipal court, the court
37 shall transmit the assessed monies to the city treasurer. The city or county
38 treasurer shall transmit the monies received to the state treasurer.

39 5. In addition to any other penalty prescribed by law, shall order the
40 person to pay an additional assessment of one thousand five hundred dollars
41 to be deposited by the state treasurer in the state general fund. This
42 assessment is not subject to any surcharge. If the conviction occurred in
43 the superior court or a justice court, the court shall transmit the assessed
44 monies to the county treasurer. If the conviction occurred in a municipal
45 court, the court shall transmit the assessed monies to the city treasurer.

1 The city or county treasurer shall transmit the monies received to the state
2 treasurer.

3 K. AFTER COMPLETING THE PERIOD OF SUSPENSION REQUIRED BY SECTION
4 28-1385, A PERSON WHOSE DRIVING PRIVILEGE IS REVOKED FOR A VIOLATION OF
5 SUBSECTION A, PARAGRAPH 3 OF THIS SECTION MAY APPLY TO THE DEPARTMENT FOR A
6 SPECIAL IGNITION INTERLOCK RESTRICTED DRIVER LICENSE PURSUANT TO SECTION
7 28-1401.

8 ~~K.~~ L. Aggravated driving or actual physical control while under the
9 influence of intoxicating liquor or drugs committed under:

10 1. Subsection A, paragraph 1 or 2 of this section is a class 4 felony.

11 2. Subsection A, paragraph 3 of this section is a class 6 felony.

12 ~~L.~~ M. For the purposes of this section, "suspension, cancellation,
13 revocation or refusal" means any suspension, cancellation, revocation or
14 refusal.

15 Sec. 9. Repeal

16 Section 28-1383, Arizona Revised Statutes, as amended by Laws 2005,
17 chapter 312, section 4, is repealed.

18 Sec. 10. Section 28-3166, Arizona Revised Statutes, as amended by Laws
19 2005, chapter 137, section 5, is amended to read:

20 28-3166. Driver license content and application; marked
21 licenses; emancipated minors

22 A. The department shall issue a driver license to a qualified
23 applicant. The driver license shall contain a distinguishing number assigned
24 to the licensee, the license class, any endorsements, the licensee's full
25 name, date of birth and residence address, a brief description of the
26 licensee and either a facsimile of the signature of the licensee or a space
27 on which the licensee is required to write the licensee's usual signature
28 with pen and ink. A driver license is not valid until it is signed by the
29 licensee. On request of an applicant, the department shall allow the
30 applicant to provide on the driver license a post office box address that is
31 regularly used by the applicant and that is located in the county in which
32 the applicant resides.

33 B. An application for a driver license and the driver license issued
34 shall contain the photo image of the applicant or licensee. The department
35 shall use a process in the issuance of driver licenses that prohibits as
36 nearly as possible the ability to alter or reproduce the license or that
37 prohibits the ability to superimpose a photo image on the license without
38 ready detection. The department shall process driver licenses and photo
39 images in color. This subsection does not apply to a driver license that is
40 renewed by mail pursuant to section 28-3172.

41 C. An applicant who is sixteen or older but under twenty-four years of
42 age shall provide the department with satisfactory proof of the applicant's
43 legal name and date of birth.

44 D. If a person is qualified for a driver license and is under the
45 legal drinking age, the department shall issue a license that is marked by

1 color, code or design to immediately distinguish it from a license issued to
2 a person of legal drinking age. The department shall indicate on the driver
3 license issued pursuant to this subsection the year in which the person will
4 attain the legal drinking age.

5 E. THE DEPARTMENT SHALL MARK A SPECIAL IGNITION INTERLOCK RESTRICTED
6 DRIVER LICENSE ISSUED PURSUANT TO CHAPTER 4, ARTICLE 3.1 OF THIS TITLE BY
7 COLOR, CODE OR DESIGN TO IMMEDIATELY DISTINGUISH IT FROM OTHER LICENSES
8 ISSUED BY THE DEPARTMENT.

9 F. IF A PERSON IS QUALIFIED FOR A DRIVER LICENSE BUT IS SUBJECT TO THE
10 CERTIFIED IGNITION INTERLOCK DEVICE LIMITATIONS PRESCRIBED IN SECTION
11 28-1381, 28-1382, 28-1383 OR 28-3319, THE DEPARTMENT SHALL ISSUE A LICENSE
12 THAT IS MARKED BY COLOR, CODE OR DESIGN TO IMMEDIATELY DISTINGUISH IT FROM
13 OTHER LICENSES ISSUED BY THE DEPARTMENT.

14 ~~E.~~ G. The department shall not include information in the magnetic
15 stripe and bar code of a driver license other than information that the
16 department is authorized to obtain and place on a driver license pursuant to
17 this article.

18 ~~F.~~ H. If a minor has been emancipated pursuant to title 12, chapter
19 15, on application and proof of emancipation, the department shall issue a
20 driver license that contains the words "emancipated minor".

21 Sec. 11. Repeal

22 Section 28-3166, Arizona Revised Statutes, as amended by Laws 2005,
23 chapter 312, section 11, is repealed.

24 Sec. 12. Section 33-1476.01, Arizona Revised Statutes, as amended by
25 Laws 2005, chapter 326, section 4, is amended to read:

26 33-1476.01. Change in use; notices; compensation for moving
27 expenses; payments by the landlord

28 A. The landlord shall notify the director and all tenants in writing
29 of a change in use at least one hundred eighty days before the change in
30 use. The landlord may not increase rent within ninety days before giving
31 notice of a change in use.

32 B. The landlord shall inform all tenants in writing about the mobile
33 home relocation fund established in section 33-1476.02.

34 C. If a tenant is required to move due to a change in use or
35 redevelopment of the mobile home park, the tenant may do any of the
36 following:

37 1. Collect payment from the mobile home relocation fund for the lesser
38 of the actual moving expenses of relocating the mobile home to a new location
39 that is within a fifty mile radius of the vacated mobile home park or five
40 thousand dollars for a single section mobile home or ten thousand dollars for
41 a multisection mobile home. Moving expenses include the cost of taking down,
42 moving and setting up the mobile home in the new location.

43 2. Abandon the mobile home in the mobile home park and collect an
44 amount equal to one-fourth of the maximum allowable moving expense for that
45 mobile home from the mobile home relocation fund. To qualify for abandonment

1 payment pursuant to this paragraph, the tenant shall deliver to the landlord
2 the current title to the mobile home with the notarized endorsement of the
3 owner of record together with complete releases of all liens that are shown
4 on the title and proof that all taxes owing on the mobile home have been paid
5 to date. The tenant shall provide a copy of these documents to the
6 department of FIRE, building and fire LIFE safety in support of the tenant's
7 application for payment. If the tenant chooses to abandon the mobile home
8 pursuant to this paragraph, the landlord is exempt from making the payments
9 to the fund prescribed in subsection D of this section.

10 3. If a mobile home is relocated to a location outside of the vacated
11 mobile home park and, in the sole judgment of the director, the mobile home
12 was ground set in the mobile home park from which it was removed, the tenant
13 may collect additional monies not to exceed two thousand five hundred dollars
14 for the incremental costs of removing a ground set mobile home. These monies
15 are in addition to any monies provided pursuant to paragraph 1 of this
16 subsection.

17 D. Except as provided in subsection C, paragraph 2 and subsection F of
18 this section and section 33-1476.04, subsection D, if there is a change in
19 use the landlord shall pay five hundred dollars for each single section
20 mobile home and eight hundred dollars for each multisection mobile home
21 relocated to the fund for each tenant filing for relocation assistance with
22 the director.

23 E. If a change in use occurs before the time stated in the statements
24 of policy and the landlord does not comply with subsection A of this section
25 and with section 33-1436 and section 33-1476, subsection H, the landlord
26 shall pay to the fund in addition to the monies prescribed in subsection D of
27 this section:

28 1. Five hundred dollars for each mobile home space occupied by a
29 single section mobile home.

30 2. Eight hundred dollars for each mobile home space occupied by a
31 multisection mobile home.

32 F. The landlord is not required to make the payments prescribed in
33 subsections D and E of this section for moving mobile homes owned by the
34 landlord or for moving a mobile home under a contract with the tenant if the
35 tenant does not file for relocation assistance with the director.

36 G. If a change in use occurs within two hundred seventy days of
37 relocations under section 33-1476.04, the landlord shall pay to the fund in
38 addition to the monies prescribed in subsection D of this section:

39 1. Five hundred dollars for each mobile home space occupied by a
40 single section mobile home.

41 2. Eight hundred dollars for each mobile home space occupied by a
42 multisection mobile home.

43 H. The tenant shall submit a contract for relocation of a mobile home
44 for approval to the director within sixty days after the relocation to be
45 eligible for payment of relocation expenses. The director must approve or

1 disapprove the contract within fifteen days after receipt of the contract, or
2 the contract is deemed to be approved. The payment of expenses shall be made
3 as provided in the rules adopted by the director. If the contract is not
4 approved, the tenant may appeal to the hearing officer.

5 I. If this state or a political subdivision of this state exercises
6 eminent domain and the mobile home park is sold or a sale is made to this
7 state or a political subdivision of this state that intends to exercise
8 eminent domain, the state or political subdivision is responsible for the
9 relocation costs of the tenants.

10 J. If a tenant is vacating the premises and has informed the landlord
11 or manager before the change in use notice has been given, the tenant is not
12 eligible for compensation under this section.

13 K. A person who purchases a mobile home already situated in a park or
14 moves a mobile home into a park in which a change in use notice has been
15 given is not eligible for compensation under this section.

16 L. This section does not apply to a change in use if the landlord
17 moves a tenant to another space in the mobile home park at the landlord's
18 expense.

19 Sec. 13. Repeal

20 Section 33-1476.01, Arizona Revised Statutes, as amended by Laws 2005,
21 chapter 245, section 4, is repealed.

22 Sec. 14. Section 33-1476.02, Arizona Revised Statutes, as amended by
23 Laws 2005, chapter 326, section 5, is amended to read:

24 33-1476.02. Mobile home relocation fund; investment of monies

25 A. The mobile home relocation fund is established consisting of monies
26 collected pursuant to section 33-1476.03 and any surcharge collected pursuant
27 to section 33-1437. The director shall administer the fund.

28 B. Fund monies shall be used as prescribed in sections 33-1476.04 and
29 41-2157 and to pay premiums and other costs of purchasing, from a private
30 insurer who is licensed to transact insurance business in this state,
31 insurance coverage for tenant relocation costs due to a change in use as
32 prescribed in section 33-1476.01. Any insurance rebates shall be deposited
33 in the fund. If such insurance is not available, or if the insurance costs
34 exceed the amount available from the fund, the fund shall be used to make
35 direct payments for tenant relocation costs. Monies in the fund in excess of
36 the amount required for these purposes shall be used, as necessary, to
37 support the department of FIRE, building and ~~fire~~ LIFE safety's
38 administration of the hearing function under title 41, chapter 16, article 5
39 and the department of building and fire safety's administration of section
40 33-1437, subsection C.

41 C. On notice from the director, the state treasurer shall invest and
42 divest monies in the fund as provided by section 35-313, and monies earned
43 from investment shall be credited to the fund. Any unexpended and
44 unencumbered monies remaining in the fund at the end of the fiscal year do

1 not revert to the state general fund but remain in the fund, separately
2 accounted for, as a contingency reserve.

3 D. The director may adopt, amend or repeal rules pursuant to title 41,
4 chapter 6 for the administration of the fund. Fund monies shall be paid to
5 the department of FIRE, building and fire LIFE safety to offset the costs of
6 administering the fund including the direct and indirect costs of processing
7 applications for reimbursement submitted under section 41-2157 and
8 administering the direct and indirect costs of section 33-1437,
9 subsection C. The attorney general shall review the costs charged to the
10 fund.

11 Sec. 15. Repeal
12 Section 33-1476.02, Arizona Revised Statutes, as amended by Laws 2005,
13 chapter 245, section 5, is repealed.

14 Sec. 16. Section 41-723, Arizona Revised Statutes, as amended by Laws
15 2002, chapter 210, section 11, is amended to read:

16 41-723. Governor's office of strategic planning and budgeting;
17 duties

18 ~~A. The director shall designate a person to be in charge of~~
19 ~~preparation of the executive budget as the federal state fiscal research~~
20 ~~officer.~~

21 ~~B. The director or the federal state fiscal research officer OF THE~~
22 ~~GOVERNOR'S OFFICE OF STRATEGIC PLANNING AND BUDGETING shall:~~

23 1. Confer with officials of federal agencies concerning grants-in-aid
24 generally, and particularly in regard to federal-aid programs in progress in
25 the THIS state of Arizona.

26 2. Report to the legislature at each regular session findings and
27 recommendations in the following areas:

28 (a) The total amount of federal grants-in-aid received by Arizona
29 agencies OF THIS STATE during the preceding fiscal year.

30 (b) The total amount of federal grants-in-aid available to Arizona
31 agencies OF THIS STATE during the preceding fiscal year, giving reasons for
32 any difference between the amount of funds MONIES available to and the amount
33 of funds MONIES accepted by Arizona agencies OF THIS STATE in all federal
34 grant-in-aid programs.

35 (c) The adequacy of grant-in-aid programs in progress in the THIS
36 state of Arizona.

37 (d) Federal grant-in-aid programs in which the state does not
38 participate.

39 (e) Legislation necessary for activation of federal programs in which
40 the state does not participate.

41 (f) Legislation necessary for improved operation of federal
42 grant-in-aid programs in progress in the state of Arizona.

43 (g) Advisability of accepting new grant-in-aid programs or
44 discontinuing programs already in progress.

1 3. Have access to the books, accounts, reports and vouchers and all
2 other pertinent records of all state agencies for the purpose of carrying out
3 the provisions of this section.

4 Sec. 17. Repeal

5 Section 41-723, Arizona Revised Statutes, as amended by Laws 2005,
6 chapter 331, section 9, is repealed.

7 Sec. 18. Section 41-2123, Arizona Revised Statutes, as amended by Laws
8 2005, chapter 104, section 2, is amended to read:

9 41-2123. Area A; sale of gasoline; oxygen content

10 A. From and after November 1 through January 31 of each year, all
11 gasoline that is supplied or sold by any person and that is intended as a
12 final product for the fueling of motor vehicles within a county with a
13 population of one million two hundred thousand or more persons and any
14 portion of a county contained in area A or that is consumed in a motor
15 vehicle in a county with a population of one million two hundred thousand or
16 more persons and any portion of a county contained in area A by a fleet
17 owner:

18 1. Shall contain, for a gasoline-ethanol blend, not less than ten per
19 cent by volume of ethanol nor more than the maximum percentage of oxygen
20 allowed by provisions of a waiver issued or other limits established by the
21 United States environmental protection agency.

22 ~~2. Shall contain, for a blend other than a gasoline-ethanol blend, not~~
23 ~~less than 2.7 per cent by weight of oxygen nor more than the maximum~~
24 ~~percentage of oxygen allowed by provisions of a waiver issued or other limits~~
25 ~~established by the United States environmental protection agency.~~

26 ~~3.~~ 2. May contain, for a gasoline-ethanol blend, less than ten per
27 cent by volume, BUT NOT LESS THAN 2.7 WEIGHT PER CENT OF OXYGEN, of ethanol
28 on approval by the director of a petition filed pursuant to section 41-2124,
29 subsection D. The approval applies to all registered suppliers and oxygenate
30 blenders, and for the duration of that approval, the supply or sale of
31 gasoline-ethanol blends that contain less than ten per cent by volume, BUT
32 NOT LESS THAN 2.7 WEIGHT PER CENT OF OXYGEN, of ethanol is not subject to
33 subsections B and C of this section.

34 B. Notwithstanding subsection A of this section, the director of the
35 department of weights and measures in consultation with the director of the
36 department of environmental quality shall approve alternate fuel control
37 measures that are submitted by manufacturers or suppliers of gasoline and
38 that the directors determine will result in motor vehicle carbon monoxide
39 emissions that are equal to or less than emissions that result under
40 compliance with subsection A of this section and section 41-2083. In making
41 this determination, the director of the department of weights and measures
42 and the director of the department of environmental quality shall compare the
43 emissions of the alternate fuel control measure with the emissions of a fuel
44 with a maximum vapor pressure standard as prescribed by section 41-2083 and

1 with the minimum oxygen content or percentage by volume of ethanol as
2 prescribed by this section.

3 C. Any alternate fuel control measures that are approved shall not
4 increase emissions of non-methane hydrocarbons, particulates, carbon monoxide
5 or oxides of nitrogen. Alternate fuel control measures approved pursuant to
6 subsection B of this section and this subsection may be used by any
7 manufacturer or supplier of gasoline unless the approval is rescinded more
8 than one hundred eighty days before the first day of a gasoline control
9 period. Manufacturers and suppliers who use an approved alternate fuel
10 control measure shall annually submit a compliance plan to the director of
11 the department of weights and measures no later than sixty days before the
12 first day of a gasoline control period.

13 Sec. 19. Repeal

14 Section 41-2123, Arizona Revised Statutes, as amended by Laws 2006,
15 chapter 98, section 4, is repealed.

16 Sec. 20. Section 48-261, Arizona Revised Statutes, as amended by Laws
17 2006, chapter 2, section 2, is amended to read:

18 48-261. District creation; procedures; notice; hearing;
19 determinations; petitions; definition

20 A. Except for a county island fire district formed pursuant to
21 subsection H of this section, a fire district, community park maintenance
22 district, sanitary district or hospital district for either a hospital or an
23 urgent care center shall be created by the following procedures:

24 1. Any person desiring to propose creation of a district shall prepare
25 and submit a district impact statement to the board of supervisors of the
26 county in which the district is to be located. If a proposed district is
27 located in more than one county, the impact statement shall be submitted to
28 the board of supervisors of the county in which the majority of the assessed
29 valuation of the proposed district is located. The boards of supervisors of
30 any other counties in which a portion of the district is to be located shall
31 provide information and assistance to the responsible board of supervisors.
32 If the person desiring to create a district pursuant to this section is
33 unable to complete the district impact statement, the board of supervisors
34 may assist in the completion of the impact statement if requested to do so,
35 provided the bond required in subsection C of this section is in an amount
36 sufficient to cover any additional cost to the county. The district impact
37 statement shall contain at least the following information:

38 (a) A legal description of the boundaries of the proposed district and
39 a detailed, accurate map of the area to be included in the district.

40 (b) An estimate of the assessed valuation within the proposed
41 district.

42 (c) An estimate of the change in the property tax liability, as a
43 result of the proposed district, of a typical resident of the proposed
44 district.

1 (d) A list and explanation of benefits that will result from the
2 proposed district.

3 (e) A list and explanation of the injuries that will result from the
4 proposed district.

5 (f) The names, addresses and occupations of the proposed members of
6 the district's organizing board of directors.

7 2. On receipt of the district impact statement, the board of
8 supervisors shall set a day, not fewer than thirty nor more than sixty days
9 from that date, for a hearing on the impact statement. The board of
10 supervisors, at any time prior to making a determination pursuant to
11 paragraph 4 of this subsection, may require that the impact statement be
12 amended to include any information that the board of supervisors deems to be
13 relevant and necessary.

14 3. Upon receipt of the district impact statement, the clerk of the
15 board of supervisors shall mail, by first class mail, written notice of the
16 statement, its purpose and notice of the day, hour and place of the hearing
17 on the proposed district to each owner of taxable property and TO each
18 HOUSEHOLD IN WHICH A qualified elector RESIDES within the boundaries of the
19 proposed district. The clerk of the board of supervisors shall post the
20 notice in at least three conspicuous public places in the area of the
21 proposed district and shall publish twice in a daily newspaper of general
22 circulation in the area of the proposed district, at least ten days before
23 the hearing, or, if no daily newspaper of general circulation exists in the
24 area of the proposed district, then at least twice at any time before the
25 date of the hearing, a notice setting forth the purpose of the impact
26 statement, the description of the area of the proposed district and the day,
27 hour and place of the hearing.

28 4. At the hearing called pursuant to paragraph 2 of this subsection,
29 the board of supervisors shall hear those who appear for and against the
30 proposed district and shall determine whether the creation of the district
31 will promote public health, comfort, convenience, necessity or welfare. If
32 the board of supervisors determines that the public health, comfort,
33 convenience, necessity or welfare will be promoted, it shall approve the
34 district impact statement and authorize the persons proposing the district to
35 circulate petitions as provided in this subsection. The order of the board
36 of supervisors shall be final, but if the request to circulate petitions is
37 denied, a subsequent request for a similar district may be refiled with the
38 board of supervisors after six months from the date of such denial.

39 5. Within fifteen days after receiving the approval of the board of
40 supervisors as prescribed by paragraph 4 of this subsection, the clerk of the
41 board shall determine the minimum number of signatures required for
42 compliance with paragraph 7, subdivision (d) of this subsection. After
43 making that determination, that number of signatures shall remain fixed,
44 notwithstanding any subsequent changes in voter registration records.

1 6. After receiving the approval of the board of supervisors as
2 provided in paragraph 4 of this subsection, the person proposing the district
3 may circulate and present petitions to the board of supervisors of the county
4 in which the district is located. All petitions circulated shall be returned
5 to the board of supervisors within one year from the date of the approval of
6 the board of supervisors pursuant to paragraph 4 of this subsection. Any
7 petition that is returned more than one year from that date is void.

8 7. The petitions presented pursuant to paragraph 6 of this subsection
9 shall comply with the provisions regarding petition form in section 48-265
10 and verification in section 48-266 and shall:

11 (a) At all times, contain a legal description of the boundaries of the
12 proposed district and a detailed, accurate map of the proposed district and
13 the names, addresses and occupations of the proposed members of the
14 district's organizing board of directors. No alteration of the proposed
15 district shall be made after receiving the approval of the board of
16 supervisors as provided in paragraph 4 of this subsection.

17 (b) If a petition of property owners, be signed by more than one-half
18 of the property owners in the area of the proposed district.

19 (c) If a petition of property owners, be signed by persons owning
20 collectively more than one-half of the assessed valuation of the property in
21 the area of the proposed district.

22 (d) If a petition of qualified electors, be signed by more than
23 one-half of the qualified electors within the boundaries of the proposed
24 district.

25 8. On receipt of the petitions, the board of supervisors shall set a
26 day, not fewer than ten nor more than thirty days from that date, for a
27 hearing on the petition.

28 9. Prior to the hearing called pursuant to paragraph 8 of this
29 subsection, the board of supervisors shall determine the validity of the
30 petitions presented.

31 10. At the hearing called pursuant to paragraph 8 of this subsection,
32 the board of supervisors, if the petitions are valid, shall order the
33 creation of the district. The board of supervisors shall enter its order
34 setting forth its determination in the minutes of the meeting, not later than
35 ten days from the day of the hearing, and a copy of the order shall be filed
36 in the county recorder's office. The order of the board of supervisors shall
37 be final, and the proposed district shall be created thirty days after the
38 board of supervisors votes to create the district. A decision of the board
39 of supervisors under this subsection is subject to judicial review under
40 title 12, chapter 7, article 6.

41 B. For the purpose of determining the validity of the petitions
42 presented pursuant to subsection A, paragraph 6 of this section:

43 1. Qualified electors shall be those persons qualified to vote
44 pursuant to title 16.

1 2. For the purposes of fulfilling the requirements of subsection A,
2 paragraph 7, subdivisions (b) and (c) of this section, property held in
3 multiple ownership shall be treated as if it had only one property owner, so
4 that the signature of only one of the owners of property held in multiple
5 ownership is required on the formation petition.

6 3. The value of property shall be determined as follows:

7 (a) In the case of property assessed by the county assessor, values
8 shall be the same as those shown on the last assessment roll of the county
9 containing such property.

10 (b) In the case of property valued by the department of revenue, the
11 values shall be those determined by the department in the manner provided by
12 law, for municipal assessment purposes. The county assessor and the
13 department of revenue, respectively, shall furnish to the board of
14 supervisors, within twenty days after such a request, a statement in writing
15 showing the owner, the address of each owner and the appraisal or assessment
16 value of properties contained within the boundaries of the proposed district
17 as described in subsection A of this section.

18 C. The board of supervisors may require of the person desiring to
19 propose creation of a district pursuant to subsection A, paragraph 1 of this
20 section a reasonable bond to be filed with the board at the start of
21 proceedings under this section. The bond shall be in an amount sufficient to
22 cover costs incurred by the county if the district is not finally organized.
23 County costs covered by the bond include any expense incurred from completion
24 of the district impact statement, mailing of the notice of hearing to
25 district property owners and electors, publication of the notice of hearing
26 and other expenses reasonably incurred as a result of any requirements of
27 this section. The requirements of this subsection do not apply to proposed
28 districts having fewer than one hundred qualified electors.

29 D. If a district is created pursuant to this section, the cost of
30 publication of the notice of hearing, the mailing of notices to electors and
31 property owners and all other costs incurred by the county as a result of the
32 provisions of this section shall be a charge against the district.

33 E. If a proposed district would include property located within an
34 incorporated city or town, in addition to the other requirements of
35 subsection A of this section, the board shall approve the creation and
36 authorize the circulation of petitions only if the governing body of the city
37 or town has by ordinance or resolution endorsed such creation.

38 F. Except as provided in section 48-2001, subsection A, the area of a
39 district created pursuant to this section shall be contiguous.

40 G. A district organized pursuant to this section shall have an
41 organizing board of directors to administer the affairs of the district until
42 a duly constituted board of directors is elected as provided in this title.
43 The organizing board shall have all the powers, duties and responsibilities
44 of an elected board. The organizing board shall consist of the three
45 individuals named in the district impact statement and the petitions

1 presented pursuant to subsection A of this section. If a vacancy occurs on
2 the organizing board, the remaining board members shall fill the vacancy by
3 appointing an interim member. Members of the organizing board shall serve
4 without compensation but may be reimbursed for actual expenses incurred in
5 performing their duties. The organizing board shall elect from its members a
6 chairman and a clerk.

7 H. For a county island fire district only, any person may petition the
8 board of supervisors for the county in which the county island fire district
9 is proposed to be located. The petitions shall comply with section 48-265
10 regarding petition form and shall be verified as prescribed in section
11 48-266. If the petitions submitted are verified as having the signatures of
12 more than one-half of the aggregate number of owners of all of the real
13 property located in the county islands in the proposed district as prescribed
14 by section 48-805, subsection E, paragraph 1, after a hearing, the board of
15 supervisors may certify the establishment of the county island fire district.
16 The county island fire district shall be governed by a five member elected
17 district board pursuant to section 48-803, but shall be governed initially by
18 a board appointed by the county board of supervisors from among qualified
19 electors of the county. On formation of the district, the surrounding city or
20 town shall provide fire protection services and emergency medical services to
21 the district. The initial appointed board shall schedule an election to be
22 held on the next consolidated election date as prescribed by section 16-204.
23 That election shall be held as otherwise provided by law. The county island
24 fire district board shall also notify the county board of supervisors of the
25 cost of providing fire protection services and emergency medical services for
26 each household or other structure in the district.

27 I. For the purposes of this section:

28 1. Assessed valuation does not include the assessed valuation of
29 property that is owned by a county.

30 2. Property owner does not include a county and in the case of
31 multiple ownership of a single parcel of property, any one property owner
32 constitutes the entire ownership interest.

33 J. For the purposes of this section, "county island fire district"
34 means a fire district that is formed or proposed to be formed only in those
35 unincorporated areas of a single county that are surrounded by a single city
36 or town or that are surrounded by a single city or town in combination with
37 other publicly owned or sovereign land, and in which the existing private
38 fire service provider has issued a notice to the residents of the county
39 island that it plans to discontinue or substantially reduce service.

40 Sec. 21. Repeal

41 Section 48-261, Arizona Revised Statutes, as amended by Laws 2006,
42 chapter 44, section 16, is repealed.

1 Sec. 22. Section 48-261, Arizona Revised Statutes, as amended by
2 section 20 of this act, is amended to read:

3 48-261. District creation; procedures; notice; hearing;
4 determinations; petitions; definition

5 A. Except for a county island fire district formed pursuant to
6 subsection H of this section, a fire district, community park maintenance
7 district, sanitary district or hospital district for either a hospital or an
8 urgent care center shall be created by the following procedures:

9 1. Any person desiring to propose creation of a district shall prepare
10 and submit a district impact statement to the board of supervisors of the
11 county in which the district is to be located. EXCEPT FOR A PROPOSED
12 COMMUNITY PARK MAINTENANCE DISTRICT THAT IS TO BE LOCATED IN MORE THAN ONE
13 COUNTY, if a proposed district is located in more than one county, the impact
14 statement shall be submitted to the board of supervisors of the county in
15 which the majority of the assessed valuation of the proposed district is
16 located. The boards of supervisors of any other counties in which a portion
17 of the district is to be located shall provide information and assistance to
18 the responsible board of supervisors. FOR A COMMUNITY PARK MAINTENANCE
19 DISTRICT THAT IS TO BE LOCATED IN MORE THAN ONE COUNTY, THE IMPACT STATEMENT
20 SHALL BE SUBMITTED TO THE BOARD OF SUPERVISORS FOR EACH OF THE AFFECTED
21 COUNTIES. If the person desiring to create a district pursuant to this
22 section is unable to complete the district impact statement, the board of
23 supervisors may assist in the completion of the impact statement if requested
24 to do so, provided the bond required in subsection C of this section is in an
25 amount sufficient to cover any additional cost to the county. The district
26 impact statement shall contain at least the following information:

27 (a) A legal description of the boundaries of the proposed district and
28 a detailed, accurate map of the area to be included in the district.

29 (b) An estimate of the assessed valuation within the proposed
30 district.

31 (c) An estimate of the change in the property tax liability, as a
32 result of the proposed district, of a typical resident of the proposed
33 district.

34 (d) A list and explanation of benefits that will result from the
35 proposed district.

36 (e) A list and explanation of the injuries that will result from the
37 proposed district.

38 (f) The names, addresses and occupations of the proposed members of
39 the district's organizing board of directors.

40 2. On receipt of the district impact statement, the board of
41 supervisors shall set a day, not fewer than thirty nor more than sixty days
42 from that date, for a hearing on the impact statement. The board of
43 supervisors, at any time prior to making a determination pursuant to
44 paragraph 4 of this subsection, may require that the impact statement be

1 amended to include any information that the board of supervisors deems to be
2 relevant and necessary.

3 3. Upon receipt of the district impact statement, the clerk of the
4 board of supervisors shall mail, by first class mail, written notice of the
5 statement, its purpose and notice of the day, hour and place of the hearing
6 on the proposed district to each owner of taxable property and to each
7 household in which a qualified elector resides within the boundaries of the
8 proposed district. The clerk of the board of supervisors shall post the
9 notice in at least three conspicuous public places in the area of the
10 proposed district and shall publish twice in a daily newspaper of general
11 circulation in the area of the proposed district, at least ten days before
12 the hearing, or, if no daily newspaper of general circulation exists in the
13 area of the proposed district, then at least twice at any time before the
14 date of the hearing, a notice setting forth the purpose of the impact
15 statement, the description of the area of the proposed district and the day,
16 hour and place of the hearing.

17 4. At the hearing called pursuant to paragraph 2 of this subsection,
18 the board of supervisors shall hear those who appear for and against the
19 proposed district and shall determine whether the creation of the district
20 will promote public health, comfort, convenience, necessity or welfare. If
21 the board of supervisors determines that the public health, comfort,
22 convenience, necessity or welfare will be promoted, it shall approve the
23 district impact statement and authorize the persons proposing the district to
24 circulate petitions as provided in this subsection. FOR A COMMUNITY PARK
25 MAINTENANCE DISTRICT THAT IS REQUIRED TO OBTAIN THE APPROVAL OF MORE THAN ONE
26 COUNTY'S BOARD OF SUPERVISORS, THE PETITIONS MAY ONLY BE CIRCULATED AFTER
27 APPROVAL OF THE BOARD OF SUPERVISORS FROM EACH AFFECTED COUNTY. The order of
28 the board of supervisors shall be final, but if the request to circulate
29 petitions is denied, a subsequent request for a similar district may be
30 refiled with the board of supervisors after six months from the date of such
31 denial.

32 5. Within fifteen days after receiving the approval of the board of
33 supervisors as prescribed by paragraph 4 of this subsection, the clerk of the
34 board shall determine the minimum number of signatures required for
35 compliance with paragraph 7, subdivision (d) of this subsection. After
36 making that determination, that number of signatures shall remain fixed,
37 notwithstanding any subsequent changes in voter registration records.

38 6. After receiving the approval of the board of supervisors as
39 provided in paragraph 4 of this subsection, the person proposing the district
40 may circulate and present petitions to the board of supervisors of the county
41 in which the district is located. All petitions circulated shall be returned
42 to the board of supervisors within one year from the date of the approval of
43 the board of supervisors pursuant to paragraph 4 of this subsection. Any
44 petition that is returned more than one year from that date is void.

1 7. The petitions presented pursuant to paragraph 6 of this subsection
2 shall comply with the provisions regarding petition form in section 48-265
3 and verification in section 48-266 and shall:

4 (a) At all times, contain a legal description of the boundaries of the
5 proposed district and a detailed, accurate map of the proposed district and
6 the names, addresses and occupations of the proposed members of the
7 district's organizing board of directors. No alteration of the proposed
8 district shall be made after receiving the approval of the board of
9 supervisors as provided in paragraph 4 of this subsection.

10 (b) If a petition of property owners, be signed by more than one-half
11 of the property owners in the area of the proposed district.

12 (c) If a petition of property owners, be signed by persons owning
13 collectively more than one-half of the assessed valuation of the property in
14 the area of the proposed district.

15 (d) If a petition of qualified electors, be signed by more than
16 one-half of the qualified electors within the boundaries of the proposed
17 district.

18 8. On receipt of the petitions, the board of supervisors shall set a
19 day, not fewer than ten nor more than thirty days from that date, for a
20 hearing on the petition.

21 9. Prior to the hearing called pursuant to paragraph 8 of this
22 subsection, the board of supervisors shall determine the validity of the
23 petitions presented.

24 10. At the hearing called pursuant to paragraph 8 of this subsection,
25 the board of supervisors, if the petitions are valid, shall order the
26 creation of the district. The board of supervisors shall enter its order
27 setting forth its determination in the minutes of the meeting, not later than
28 ten days from the day of the hearing, and a copy of the order shall be filed
29 in the county recorder's office. The order of the board of supervisors shall
30 be final, and the proposed district shall be created thirty days after the
31 board of supervisors votes to create the district, EXCEPT THAT FOR A
32 COMMUNITY PARK MAINTENANCE DISTRICT THAT IS PROPOSED FOR MORE THAN ONE
33 COUNTY, THE PROPOSED DISTRICT IS CREATED THIRTY DAYS AFTER THE APPROVAL OF
34 THE BOARD OF SUPERVISORS OF THE FINAL COUNTY OF THE COUNTIES IN WHICH THE
35 DISTRICT IS TO BE LOCATED. A decision of the board of supervisors under this
36 subsection is subject to judicial review under title 12, chapter 7,
37 article 6.

38 B. For the purpose of determining the validity of the petitions
39 presented pursuant to subsection A, paragraph 6 of this section:

40 1. Qualified electors shall be those persons qualified to vote
41 pursuant to title 16.

42 2. For the purposes of fulfilling the requirements of subsection A,
43 paragraph 7, subdivisions (b) and (c) of this section, property held in
44 multiple ownership shall be treated as if it had only one property owner, so

1 that the signature of only one of the owners of property held in multiple
2 ownership is required on the formation petition.

3 3. The value of property shall be determined as follows:

4 (a) In the case of property assessed by the county assessor, values
5 shall be the same as those shown on the last assessment roll of the county
6 containing such property.

7 (b) In the case of property valued by the department of revenue, the
8 values shall be those determined by the department in the manner provided by
9 law, for municipal assessment purposes. The county assessor and the
10 department of revenue, respectively, shall furnish to the board of
11 supervisors, within twenty days after such a request, a statement in writing
12 showing the owner, the address of each owner and the appraisal or assessment
13 value of properties contained within the boundaries of the proposed district
14 as described in subsection A of this section.

15 C. The board of supervisors may require of the person desiring to
16 propose creation of a district pursuant to subsection A, paragraph 1 of this
17 section a reasonable bond to be filed with the board at the start of
18 proceedings under this section. The bond shall be in an amount sufficient to
19 cover costs incurred by the county if the district is not finally organized.
20 County costs covered by the bond include any expense incurred from completion
21 of the district impact statement, mailing of the notice of hearing to
22 district property owners and electors, publication of the notice of hearing
23 and other expenses reasonably incurred as a result of any requirements of
24 this section. The requirements of this subsection do not apply to proposed
25 districts having fewer than one hundred qualified electors.

26 D. If a district is created pursuant to this section, the cost of
27 publication of the notice of hearing, the mailing of notices to electors and
28 property owners and all other costs incurred by the county as a result of the
29 provisions of this section shall be a charge against the district.

30 E. If a proposed district would include property located within an
31 incorporated city or town, in addition to the other requirements of
32 subsection A of this section, the board shall approve the creation and
33 authorize the circulation of petitions only if the governing body of the city
34 or town has by ordinance or resolution endorsed such creation.

35 F. Except as provided in section 48-2001, subsection A, the area of a
36 district created pursuant to this section shall be contiguous.

37 G. A district organized pursuant to this section shall have an
38 organizing board of directors to administer the affairs of the district until
39 a duly constituted board of directors is elected as provided in this title.
40 The organizing board shall have all the powers, duties and responsibilities
41 of an elected board. The organizing board shall consist of the three
42 individuals named in the district impact statement and the petitions
43 presented pursuant to subsection A of this section. If a vacancy occurs on
44 the organizing board, the remaining board members shall fill the vacancy by
45 appointing an interim member. Members of the organizing board shall serve

1 without compensation but may be reimbursed for actual expenses incurred in
2 performing their duties. The organizing board shall elect from its members a
3 chairman and a clerk.

4 H. For a county island fire district only, any person may petition the
5 board of supervisors for the county in which the county island fire district
6 is proposed to be located. The petitions shall comply with section 48-265
7 regarding petition form and shall be verified as prescribed in section
8 48-266. If the petitions submitted are verified as having the signatures of
9 more than one-half of the aggregate number of owners of all of the real
10 property located in the county islands in the proposed district as prescribed
11 by section 48-805, subsection E, paragraph 1, after a hearing, the board of
12 supervisors may certify the establishment of the county island fire district.
13 The county island fire district shall be governed by a five member elected
14 district board pursuant to section 48-803, but shall be governed initially by
15 a board appointed by the county board of supervisors from among qualified
16 electors of the county. On formation of the district, the surrounding city or
17 town shall provide fire protection services and emergency medical services to
18 the district. The initial appointed board shall schedule an election to be
19 held on the next consolidated election date as prescribed by section 16-204.
20 That election shall be held as otherwise provided by law. The county island
21 fire district board shall also notify the county board of supervisors of the
22 cost of providing fire protection services and emergency medical services for
23 each household or other structure in the district.

24 I. For the purposes of this section:

25 1. Assessed valuation does not include the assessed valuation of
26 property that is owned by a county.

27 2. Property owner does not include a county and in the case of
28 multiple ownership of a single parcel of property, any one property owner
29 constitutes the entire ownership interest.

30 J. For the purposes of this section, "county island fire district"
31 means a fire district that is formed or proposed to be formed only in those
32 unincorporated areas of a single county that are surrounded by a single city
33 or town or that are surrounded by a single city or town in combination with
34 other publicly owned or sovereign land, and in which the existing private
35 fire service provider has issued a notice to the residents of the county
36 island that it plans to discontinue or substantially reduce service.

37 Sec. 23. Repeal

38 Section 48-261, Arizona Revised Statutes, as amended by Laws 2006,
39 chapter 210, section 1, is repealed.

40 Sec. 24. Repeal

41 Laws 2005, chapter 314, sections 1 and 4 are repealed.

42 Sec. 25. Retroactive application

43 A. Sections 16, 17 and 24 of this act apply retroactively to August
44 12, 2005.

1 B. Sections 8, 9, 10 and 11 of this act apply retroactively to from
2 and after January 31, 2006.

3 C. Sections 20 and 21 of this act apply retroactively to April 5,
4 2006.

5 D. Sections 2, 3, 4, 5, 6, 7, 12, 13, 14 and 15 of this act apply
6 retroactively to from and after June 30, 2006.

7 Sec. 26. Conditional enactment

8 Section 41-2123, Arizona Revised Statutes, as amended by Laws 2005,
9 chapter 104, section 2 and this act, is effective as prescribed in Laws 2005,
10 chapter 104, section 7.

APPROVED BY THE GOVERNOR MAY 26, 2006.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 26, 2006.